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6 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

CR 04-40148 DLJ

11 v.

STIPULATION AND **ORDER** TO
CONTINUE STATUS HEARING

12 JOSE CASTELLANOS,

13 Defendant.
14 _____/

15 At the request of the parties, the Court enters this order
16 (1) continuing the hearing presently set for 9:00 a.m., July 10,
17 2009, to **Tuesday, July 28, 2009 at 2:00 p.m.**, for change of
18 plea; and (2) excluding time under the Speedy Trial Act from
19 July 10, 2009, based on the following:

20 1. Since last appearing before this Court on December 12,
21 2008, the parties have finally agreed to all material terms of
22 the change of plea, including the offense of conviction.

23 2. What remains is merely reduction to writing and
24 approval by the government, and a reasonable amount of time
25 thereafter for Mr. Castellanos to thoroughly review with his
26 counsel and formalize his assent thereto.

27 3. Accordingly, following discussion the parties mutually
28 request that the July 10, 2009 hearing for change of plea be

1 vacated and that the matter be continued to Tuesday July 28,
2 2009 at 2:00 p.m. for change of plea.

3 5. The parties stipulate that the time is excludable from
4 the time limitations of the Speedy Trial Act because the
5 interests of justice are served by granting a continuance. This
6 continuance, requested by the parties, will permit continuity of
7 counsel, and allow the reasonable time necessary for effective
8 preparation, taking into account the exercise of due diligence.
9 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

10 THE PARTIES THEREFORE STIPULATE that the hearing for change
11 of plea be continued from July 10, 2009 to July 28, 2009, with
12 time continuing to be excluded as specified above, such that the
13 ends of justice served by granting such a continuance outweigh
14 the best interests of the public and the defendant in a speedy
15 trial.

16 Dated: July 10, 2009

17
18 /s/ SHARI L. WHITE
SHARI L. WHITE
19 Attorney for JOSE CASTELLANOS


/s/ TIMOTHY J. LUCEY
TIMOTHY J. LUCEY
Assistant U.S. Attorney

20 **ORDER**

21 Good cause appearing, and based upon the stipulation of the
22 parties,

23 **IT IS HEREBY ORDERED** that the hearing in this matter is
24 continued to Tuesday, July 28 2009, at the hour of 2:00 p.m.,
25 and that time is excluded as stipulated.

26 Dated: July 10, 2009

27 
28 D. LOWELL JENSEN, Judge
United States District Court